

JS-6

1 Stephen M. Harris , Esq. (State Bar Number: 110626)  
 email: stephen@smh-legal.com  
 2 LAW OFFICES OF STEPHEN M. HARRIS, P.C.  
 6320 Canoga Avenue, Suite 1500  
 3 Woodland Hills, California 91367  
 Telephone: (818) 924-3103  
 4 Facsimile: (818) 924-9079

5 Robert L. Starr, Esq. (State Bar Number: 183052)  
 email: robert@starrlaw.com  
 6 Adam M. Rose, Esq. (State Bar Number: 210880)  
 email: adam@starrlaw.com  
 7 THE LAW OFFICE OF ROBERT L. STARR, APC  
 23277 Ventura Boulevard  
 8 Woodland Hills, California 91364  
 Telephone: (818) 225-9040  
 9 Facsimile: (818) 225-9042

10 Attorneys for Plaintiff  
 TRISH HERREMANS, individually, and on behalf  
 11 of a class of similarly situated individuals

12 UNITED STATES DISTRICT COURT  
 13 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION  
 14

15 TRISH HERREMANS, individually, and  
 16 on behalf of a class of similarly situated  
 individuals,

17 Plaintiff,

18 v.

19 BMW OF NORTH AMERICA, LLC,

20 Defendant.  
 21  
 22  
 23  
 24

) NO. CV 14-2363-GW(PJWx)

) Assigned for All Purposes to  
 the Honorable George H. Wu

) Courtroom 10

) Date Action Filed: March 27, 2014

) **FINAL APPROVAL ORDER AND**  
 ) **JUDGMENT AND AWARD OF**  
 ) **ATTORNEYS FEES, COSTS, AND**  
 ) **PROPOSED ENHANCEMENT**  
 )

25 This matter comes before the Court on Plaintiff's Motion for Final Approval  
 26 of the proposed settlement reached in this class action proceeding, and for an award  
 27 of attorneys' fees, costs, and a class representative enhancement for the named  
 28 Plaintiff. The Court's role in reviewing the proposed settlement is to determine

1 whether, under all the circumstances, the settlement is fair, reasonable and adequate.

2 Defendant BMW of North America, LLC, has taken the steps required to  
3 notify the Settlement Class of the proposed settlement in accordance with the Court's  
4 Order of March 18, 2016. The Court finds that the notice given, including individual  
5 notice to current and former owners and lessees, constitutes reasonable and adequate  
6 notice to the Settlement Class and the best notice practicable under the  
7 circumstances.

8 The Court held a hearing on the proposed settlement on November 28, 2016,  
9 which was made known to members of the Settlement Class through the notice  
10 procedures employed by the parties. The Court provided at that hearing an  
11 opportunity for all interested parties to be heard. There were no objections to the  
12 settlement and 112 individuals opted out of the settlement in a timely fashion.

13 The Court has determined, on the basis of the foregoing, and all other relevant  
14 materials filed in this action and the record herein, that the proposed settlement is a  
15 fair, reasonable and adequate compromise of the claims and defenses asserted in this  
16 action, and should therefore be approved pursuant to Federal Rule of Civil Procedure  
17 23(e), and that Plaintiff's application for an award of fees, costs, and an enhancement  
18 award to the named Plaintiff is reasonable and should be approved.

19 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
20 DECREED THAT:

21 1. The Class Action Settlement Agreement and the settlement  
22 embodied therein, is approved as fair, reasonable, and adequate;

23 2. The certification of the Settlement Class as defined in this court's  
24 order of March 18, 2016 (Docket 66, ¶ 2) is hereby confirmed for purposes of the  
25 settlement of this Action;

26 3. The Court hereby approves the form and manner of disseminating  
27 the settlement Notice to the Class Members as set forth in the Agreement and finds  
28 that the Notice given was accomplished as provided for by the Agreement and

1 constitutes the best notice practicable under the circumstances, and constitutes valid,  
2 due, and sufficient notice to Class Members in full compliance with the requirements  
3 of applicable law, including the Due Process Clause of the United States  
4 Constitution;

5         4.           The court finds that the Representative Class Plaintiff and Class  
6 Counsel have fairly and adequately represented the interests of the Settlement Class  
7 members at all times in the action;

8         5.         Settlement Class members who have not timely requested exclusion  
9 from the Settlement Class and any of their predecessors, successors, representatives,  
10 parent companies, subsidiaries, affiliates, heirs, executors, administrators, attorneys,  
11 successors, and assignees are hereby enjoined and barred from instituting, filing,  
12 commencing, prosecuting, maintaining, continuing to prosecute, directly or  
13 indirectly, as an individual or collectively, representatively, derivatively, or on behalf  
14 of them or in any other capacity whatsoever, any action in any state or federal court  
15 or any other tribunal, forum, or proceeding of any kind against the Released Parties  
16 that asserts any of the Released Claims as set forth in the Agreement;

17         6.         BMW is hereby discharged from all further liability for the Released  
18 Claims to Settlement Class members;

19         7.         Counsel for Plaintiff's application for an award of fees and costs of  
20 \$692,500 is fair and reasonable and is hereby granted, subject to the fee division  
21 agreement of counsel;

22         8.         The request for an enhancement award to the named Plaintiff of \$2,500  
23 is fair and reasonable and is hereby granted.

24         9.         The Action is hereby dismissed with prejudice;

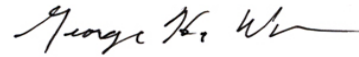
25         10.        The Court reserves jurisdiction over this case for the limited purpose of  
26 administering the settlement, enforcing the settlement, and related matters; and

27 ////

28 ////

1           11. The Clerk shall promptly enter this Order as a Final Judgment in the  
2 docket of this action.

3 Dated: November 28, 2016



---

GEORGE H. WU, U.S. District Judge